

### III. REMARKS

This document is being submitted in response to the Office Action dated July 13, 2004. Claims 1-13 are pending in this application and claims 1-13 currently stand as rejected. Accordingly, claim 1-13 have been canceled without prejudice and new claims 14-24 have been added to better define the invention. In light of the amendments and remarks made herein, the Applicant respectfully requests reconsideration of the claims.

#### 35 U.S.C. § 102 (b)

The Patent Office indicated that claims 1-12 stand as rejected under 35 U.S.C. § 102(b) as being anticipated Van Staagen (U.S. Pat. No. 6,081,958), De Pamphilis (U.S. Pat. No. 4,167,796), White (U.S. Pat. No. 4,967,441), Batch (U.S. Pat. No. 5,709,003), Whitaker (U.S. Pat. No. Des. 282,604), Beiser (U.S. Pat. No. 552,462), Finiels (U.S. Pat. No. 665,632), Harris (U.S. Pat. No. 748,370), Robertson (U.S. Pat. No. 1,083,860), Rix et al. (U.S. Pat. No. 1,553,915), Serva (U.S. Pat. No. 1,600,070), Lisi (U.S. Pat. No. 1,633,898), and Petrovsky (U.S. Pat. No. 2,080,334).

As provided by MPEP 2131, anticipation of a claim under 35 U.S.C § 102 (a), (b), or (e) requires that each and every element as set forth in the claim be found in a single prior art reference. Claim 1-12 have been canceled without prejudice and new claims 14-24 have been added. The amendments made herein are consistent with and supported by the specification, claims, and drawings as originally filed and do not include new matter. The Applicant asserts that none of the 102(b) references cited in the Office Action teaches all of the elements of claims 14 and 21 arranged as required by the claims.

For example, Van Staagen discloses a relatively small scrub brush and does not include the elements of a conventional broom (i.e., used for sweeping floors) having an elongated handle, nor does it include a friction forming material that includes natural or synthetic fibers. Likewise, the devices disclosed by De Pamphilis, White, Batch, and Whitaker do not include the elements of a conventional broom, nor do these devices include a convex surface on a support for receiving a friction forming material. Beiser discloses a finger-mounted moistening device and does not include a conventional broom, nor does it include a scuff removing device. Finiels discloses a scrubber and brush attachment and does not include the elements of a base

specifically adapted to receive or include a scuff removing device, nor does it include a separate support that itself includes a convex surface for receiving a friction forming material. The device disclosed by Harris does not include a base specifically adapted to receive or include a scuff removing device, nor does it include a separate support that itself includes a convex surface for receiving a friction forming material. Likewise, the devices disclosed by Robertson, Rix et al., Serva, Lisi, and Pertovsky do not include a conventional broom, nor do they include a convex surface on a separate support for receiving a friction forming material. Therefore, claims 14 and 21 are believed to define patentably over these references.

Claims 15-20 depend from claim 14 and claims 22-24 depend from claim 21, and because claims 14 and 21 are believed to define patentably over the prior art, claims 15-20 and 22-24 are also believed to be patentable.

35 U.S.C. § 103(a)

According to the Office Action, claims 5, 11, and 13 stand as rejected under 35 U.S.C. 103(a) as being unpatentable over White (U.S. Pat. No. 4,967,441) in view of Lemelson (U.S. Pat. No. 3,414,928). Claim 5, 11, and 13 have been cancelled, rendering moot any further discussion of these claims. Regardless, the Applicant asserts that none of the references cited in the Office Action, either individually or in combination, renders obvious the cleaning implement of claims 14 and 21 and their associated dependent claims.

Establishment of a *prima facie* case of obviousness requires that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the teachings. Additionally, there must be a reasonable expectation of success for a finding of obviousness. Conventional wisdom indicates that a broom with an elongated handle is unsuitable for removing a scuff mark from a floor and that a smaller, hand-held device is required for effectively applying the force necessary to remove the scuff mark. Thus, there is no motivation or suggestion in the references cited by the Patent Office or in the knowledge generally available to one skilled in the art to combine the teachings of the cited references to arrive at the claimed invention. In fact, common knowledge teaches away from such a combination. Furthermore, the use of hard bristles, wire, steel wool, or other rigid materials taught by many of the references cited by the

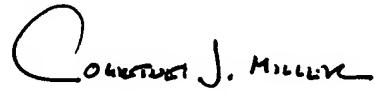
Patent Office would significantly damage a surface such as a hardwood floor. Thus, there is no reasonable expectation of success because combining the devices disclosed by these references would result in an inoperable or completely unsuitable device.

Conclusion

For the reasons set forth herein, this application is believed to be in condition for allowance, as the claims are believed to define patentably over the relevant prior art. Favorable consideration of this application is respectfully requested.

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Respectfully submitted,



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